

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW MEXICO**

MURRAY POTTER,

Plaintiff,

No. 2:20-cv-823 GBW/KRS

v.

FRANK TORRES and CITY OF LAS CRUCES,

Defendants.

**SCHEDULING ORDER**

**THIS MATTER** comes before the Court following a telephonic Rule 16 scheduling conference held on March 3, 2021. At the hearing, the Court adopted the parties' proposed Joint Status Report and Provisional Discovery Plan, with slight modifications, as reflected in the dates below

Accordingly, **IT IS HEREBY ORDERED** that the parties shall adhere to the following discovery plan:

- (a) Maximum of twenty-five (25) interrogatories to Plaintiff and twenty-five (25) by Plaintiff to each Defendant, with responses due thirty (30) days after service.
- (b) Maximum of twenty-five (25) requests for production to Plaintiff and twenty-five (25) by Plaintiff to each Defendant, with responses due thirty (30) days after service.
- (c) Maximum of eight (8) per side. Each deposition limited to maximum of four (4) hours for non-parties and seven (7) hours for parties, unless extended by agreement of the parties.

**IT IS FURTHER ORDERED** that the following case management deadlines shall govern:

- (a) Deadline for Plaintiff to amend pleadings and join additional parties pursuant to Federal Rule of Civil Procedure 15: **March 19, 2021**;
- (b) Deadline for Defendants to amend pleadings and join additional parties pursuant to Federal Rule of Civil Procedure 15: **April 16, 2021**;
- (c) Deadline for Plaintiff's expert reports: **May 20, 2021**;
- (d) Deadline for Defendants' expert reports: **June 14, 2021**;
- (e) Termination of discovery: **July 30, 2021**;
- (f) Deadline for supplementing discovery/disclosures: Under Rule 26(e) in accordance with the Federal Rules of Civil Procedure;
- (g) Motions relating to discovery: **August 13, 2021**;
- (h) All other motions:<sup>1</sup> **August 27, 2021**;
- (i) Pretrial order:                      Plaintiff to Defendant by: **September 24, 2021**;  
   Defendant to Court by: **October 8, 2021**.

**IT IS FURTHER ORDERED** that the Court must approve any changes to the timing or scope of discovery, other than the parties' agreement to extend the length of a deposition made during the deposition in question. Requests by a party to change the timing or scope of discovery, other than a mutual agreement to extend a deposition reached during the deposition, must be made by motion and before the termination of discovery or the expiration of any applicable deadline. Discovery must be completed on or before the termination of the discovery

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<sup>1</sup> This deadline applies to motions related to the admissibility of experts or expert testimony that may require a *Daubert* hearing, but otherwise does not apply to motions *in limine*. The Court will set a motions *in limine* deadline in a separate order.

deadline. A written discovery request must be propounded by a date which ensures that the response to that request is due on or before the discovery deadline. The parties are further reminded that the cutoff for motions related to discovery does not relieve the party of the twenty-one (21) day time period under Local Rule 26.6 to challenge a party's objections to answering discovery. The parties are encouraged to review Federal Rule of Civil Procedure 26(a)(2) to ensure they properly disclose *all* testifying witnesses, not just those for whom a report is required.

A handwritten signature in black ink, reading "Kevin Sweazea". The signature is written in a cursive, slightly stylized font. The first name "Kevin" is written in a smaller, more compact script, while "Sweazea" is written in a larger, more flowing script. The signature is positioned above a horizontal line.

KEVIN R. SWEAZE  
UNITED STATES MAGISTRATE JUDGE